

§ 1.823 Random selection procedures for the Public Mobile Services.

(a) *General Procedures.* If there are mutually exclusive applications for an initial license, the Commission may use a random selection process. Each such random selection shall be conducted under the direction of the Chief of the Common Carrier Bureau. The designated Lottery Official shall select the winning applicant from among mutually exclusive applicants. The Lottery Official may select in rank order a number of additional applicants. The number of additional applicants selected will be determined by the Chief of the Common Carrier Bureau and the Managing Director. No preferences shall be awarded to participants. Following the random selection, the Commission shall announce the tentative selectee and determine whether this applicant is qualified to receive the license. If the Commission determines that the tentative selectee is qualified, it shall grant the application.

(b) *Petitions to Deny—(1) Public Mobile Services other than the Cellular Radiotelephone Service.* Petitions to Deny and other pleadings may be filed against applications but are not reviewed prior to the random selection process. Petitions filed against tentative selectee applications are reviewed after the tentative selectee is announced.

(2) [Reserved]

(3) *Cellular Radiotelephone Service, unserved areas.* In the Phase I licensing phase, petitions to deny must be filed within 30 days after the date of public notice announcing the tentative selectee. If the tentative selectee is qualified, the Commission will grant its application and dismiss the losing applications. If the tentative selectee's application cannot be granted, it will be either designated for hearing or dismissed. If the winning application is dismissed or ultimately denied, another lottery will be held to select an application from the remaining applications. In the Phase II licensing phase, petitions to deny must be filed within 30 days from the date of public notice accepting the application for filing.

(c) *Petitions for Reconsideration.* Motions to Stay or Applications for Review may be filed only at such time as

the Commission grants or denies the tentative selectee's application. The filing periods specified in the Rules shall apply for such pleadings.

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§ 1.824 Random selection procedures for Multichannel Multipoint Distribution Service and Multipoint Distribution Service H-Channel stations.

(a) If there are mutually exclusive applications for an initial conditional license or license, the Commission may use the random selection process to select the conditional licensee or licensee. Each such random selection shall be conducted under the direction of the Office of the Managing Director in conjunction with the Office of the Secretary. Following the random selection, the Commission shall announce the tentative selectee and determine whether the applicant is qualified to receive the conditional license or license. If the Commission determines that the tentative selectee is qualified, it shall grant the application. In the event that the tentative selectee's application is denied, a second random selection will be conducted. Petitions for Reconsideration, Motions to Stay or Applications for Review may be submitted at the time the Commission grants or denies the application of the tentative selectee. The filing periods specified in the rules shall apply for such pleadings.

(b) Competing applications for conditional licenses and licenses shall be designated for random selection in accordance with §§ 1.1621, 1.1622 (a), (b), (c), (d), and (e), and 1.1623. No preferences pursuant to § 1.1622 (b)(2) or (b)(3) shall be granted to any MMDS or MDS H-channel applicant whose owners, when aggregated, have an ownership interest of more than 50 percent in the media of mass communication whose service areas, as set forth at § 1.1622 (e)(1) through (e)(7), wholly encompass or are encompassed by the protected service area contour, computed in accordance with § 21.902(d) of this chapter, for which the license or conditional license is sought.